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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,940	04/01/2005	Norihisa Usui	05197/LH	5528

1933 7590 07/31/2006

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EXAMINER

BENNETT, ZAHRA I

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/529,940

Applicant(s)

USUI, NORIHISA

Examiner

Zahra Bennett

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/01/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 4 is objected to because of the following informalities: Claim 4 contains the phrase "that has housed" in line 2. The claim cannot remove a part that is already required, therefore it is suggested that this phrase is changed to "housing". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Höhn et al. (US Patent 6,066,861).

With respect to claim 1, Höhn teaches an illuminating device (Figure 3) comprising:

- a case (Figure 3: 8) having at least one side open;
- a light emitting element (1) disposed within the case for emitting rays of light in an ultraviolet ray region (Column 1, lines 13-17) through the at least open side of the case;
- optically transparent sealing resin (5) with which the case is filled so as to cover the light emitting element; and

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a luminous material (6) mixed into the sealing resin for reacting to the rays in the ultraviolet ray region to thereby emit rays of light in a visible ray region (Column 6, lines 52-55).

With respect to claim 2, Höhn teaches that the luminous material (Figure 3: 6) comprises material that reacts to the rays of light in the ultraviolet ray region (Column 1, lines 13-17) to thereby emit rays of light of a specified wavelength in the visible ray region.

With respect to claim 3, Höhn teaches that the luminous material (Figure 3: 6) comprises a plurality of material that react to the rays of light in the ultraviolet ray region to thereby emit rays of light of different wavelengths in the visible ray region (Column 6, lines 52-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over Höhn as applied to claim 1 above, and further in view of Cheung (US Patent 5,604,716).

With respect to claim 4, Höhn teaches the illuminating device but lacks an indicator or a luminous layer. Cheung teaches an apparatus case (Figure 1: 10) that housed the illuminating device (10), the apparatus case having a window (6) thereon; an indicator (4, 5) disposed within the apparatus case so as to face the window and adapted to be illumined with rays of light emitted by the illuminating device (Column 1, lines 32-35); and a luminous layer (Column 1, lines 40-44) provided on the indicator for reacting to the rays of light in the ultraviolet region to thereby emit rays of light in the visible ray region (Column 1, lines 48-52). It would have been obvious to one of ordinary skill at the time of the invention to have a case with an indicator and a luminous layer on the device of Höhn for the benefit of securing the device within a protected environment, as taught by Cheung.

With respect to claim 5, Höhn teaches that the luminous material (Figure 3: 6) comprises material that reacts to the rays of light in the ultraviolet ray region (Column 1, lines 13-17) to thereby emit rays of light of a specified wavelength in the visible ray region. Höhn does not teach a plurality of luminous layers. Cheung teaches a plurality of luminous layers (not shown see Column 1, lines 40-44). It would have been obvious to one of ordinary skill at the time of the invention to have a plurality of luminous layers for the benefit of providing rays of light having the different colors, as taught by Cheung.

With respect to claim 6, Höhn teaches that the luminous material (Figure 3: 6) comprises a plurality of material that emits rays of light of different wavelengths in the

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visible ray region and rays of light in the ultraviolet ray region (Column 6, lines 52-55).

Höhn does not teach a plurality of illuminating devices. Cheung teaches a plurality of illuminating devices (Figure 4: 11, 12). It would have been obvious to one of ordinary skill at the time of the invention to have a plurality of illuminating devices for the benefit of illuminating the device, as taught by Cheung.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zahra Bennett whose telephone number is 571-272-2267. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZB



RENEE LUEBKE
PRIMARY EXAMINER